



February 16, 2023

G.O.L.D. Unit Defendant Sentenced to Nine Years in Prison for 1999 Sexual Assault

CLEVELAND - Cuyahoga County Prosecutor Michael C. O'Malley announced that the defendant Bart Mercurio, 52, was sentenced to nine years in prison for the sexual assault of a 33-year-old woman in 1999. The arrest was the result of the efforts of the Cuyahoga County Prosecutor Office's G.O.L.D. Unit (Genetic Operations Linking DNA).

"Today's sentencing shows just how important the work of our G.O.L.D. Unit is," said Prosecutor Michael C. O'Malley. "Through their work and the work of our agency partners, after 23 years, we were able to bring this offender to justice and hopefully provide the victim with some long overdue closure."

In 2019 and 2020, the CCPO's Sexual Assault Kit Task Force (SAKTF)* was awarded grants from the U.S. Department of Justice's Bureau of Justice Assistance SAKI program. Part of that funding helped launch the office's G.O.L.D. Unit in October 2020. The G.O.L.D. Unit contracted with genealogy vendor Gene by Gene for a pilot project that included genealogical searches for 20 DNA profiles connected to cold case sexual assaults.

John Doe #133

On May 6, 1999, the female victim, 33, left her house to go for a walk in Cleveland's Tremont neighborhood. When she returned home, Bart Mercurio, 52, surprised her inside, grabbed her, and struck her multiple times to the point where she lost consciousness. He sexually assaulted her and fled the scene. The victim called the police and was transported to the hospital where a sexual assault kit was collected.

In 2013, the CCPO assembled the Sexual Assault Kit Task Force (SAKTF) to address investigative leads that resulted from the testing of previously unsubmitted rape kits primarily between 1993 to 2011. The victim's rape kit was tested by the Ohio Bureau of Criminal Investigation (BCI) as part of the initiative. However, Mercurio's DNA did not produce any matches in the Combined DNA Index System (CODIS) – the FBI's national DNA database. Mercurio's DNA profile – unknown at the time – was then indicted as "John Doe #133" as a means to ensure that the statute of limitations did not run out.

The DNA profile for "John Doe #133" was submitted to Gene by Gene and DNA analysts and investigative genetic genealogists were able to connect "John Doe #133's" DNA profile to that of Bart Mercurio.

Investigators then obtained Mercurio's DNA and sent it to BCI to be tested. The tests confirmed that the DNA in the victim's rape kit matched that of Mercurio. The original "John Doe #133" indictment was amended to reflect his name as the defendant and an arrest warrant was issued. On July 9, 2021, CCPO investigators, the Elyria Police Department, and the U.S. Marshals arrested him at his Elyria residence.

On January 12, 2023, Bart Mercurio pleaded guilty to the following charges:

- **One count of Rape**
- **One count of Abduction**
- **One count of Burglary**

Mercurio was sentenced to nine years in prison and will have to register as a sexually oriented offender.



***SAKTF / G.O.L.D. Unit History**

Since its inception, the Task Force has completed 7,900 investigations that have resulted in over 850 defendants indicted, the highest number of any SAKTF in the country. The number of indictments includes over 1,000 victims as several defendants are convicted or alleged serial offenders. Of those cases, the Task Force has secured over a 93% conviction rate with offenders' average prison sentence being approximately 10 years.

As the original 7,026 investigations neared completion, the CCPO contacted the Cleveland Division of Police (CPD) Sex Crimes Unit who indicated there was a need for further investigation on sexual assault kits that have been tested by the Cuyahoga County Medical Examiner's Office (CCMEO) between 2012 and 2019. The G.O.L.D. Unit was formed to conduct follow-up investigations and review unknown DNA profiles to determine if they may be eligible for additional testing with new technology. In 2021 and 2022, the G.O.L.D. Unit was awarded additional BJA SAKI grants to continue genealogical testing of sexual assault cold cases and additional profiles were submitted.

The unit's work includes the Sexual Assault Kit Task Force, the Cold Case Homicide project, Genealogy Testing of unsolved cold cases and the Lawfully Owed DNA project. To date, 29 DNA profiles of indicted rapists have been submitted and five cases have been solved using genealogy.